

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
FLORENCE DIVISION

Kimberly McClure, individually and in her  
capacity as G.A.L. for M.G.B., a minor under  
the age of 18,

Plaintiffs,

vs.

Vikramjeet Singh, and WMK Trucking, Inc.,

Defendants.

Civil Action No.:

**NOTICE OF REMOVAL BY  
DEFENDANTS, VIKRAMJEET SINGH  
and WMK TRUCKING, INC.**

Defendants Vikramjeet Singh (“Singh”) and WMK Trucking, Inc. (“WMK”) provide notice, pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, that they have this day removed the above-captioned matter, which was originally filed in the Circuit Court for Dillon County, South Carolina, to the United States District Court for the District of South Carolina, Florence Division. Removal is based on diversity jurisdiction and is proper for the reasons set forth below.

**TIMELY REMOVAL**

Plaintiffs filed a Summons and Complaint in this matter on October 15, 2021 in the Circuit Court for Dillon County, South Carolina. [**Exhibit “A”**]. The South Carolina Department of Motor Vehicles accepted service of the same on behalf of Defendants Singh and WMK Trucking on October 26, 2021. [**Exhibit “B”**]. This Notice of Removal is timely filed within thirty (30) days of service of the initial pleading in accordance with 28 U.S.C. § 1446. Defendants have sought no similar relief with respect to this matter.

### **DIVERSITY JURISDICTION**

This is a civil action over which this Court has original jurisdiction under U.S.C. § 1332. Plaintiff is alleged to be a resident of Dillon County, South Carolina. [Ex. A ¶¶ 2-3]. Defendant Vikramjeet Singh is a citizen of India lawfully residing in Kern County, California. Defendant WMK Trucking, Inc. is a foreign corporation, with its principal place of business in California. [See Ex. A ¶¶ 4; 6]. Complete diversity of citizenship exists between the parties.

With regard to the amount in controversy, Plaintiffs allege that as a result of Defendants Singh and WMK Trucking, Inc.'s actions that contributed to the subject collision, Plaintiffs suffered and will continue to suffer damages. Plaintiffs assert claims for Negligence, Gross Negligence, and Negligence *per se* against Defendant Singh for his alleged conduct. Plaintiffs assert claims for Negligent Hiring, Qualifying, Training, Retention, and Supervision against Defendant WMK Trucking, Inc. for its alleged conduct. Plaintiffs assert Imputed Liability and Negligent Infliction of Emotional Distress against Defendants Singh and WMK Trucking, Inc. for their alleged conduct. While Plaintiffs do not state an amount of actual damages, they allege the following damages: past, present, and future medical costs; past, present, and future expenses for medicine and drugs; past, present, and future expenses of transportation to medical appointments; permanent impairment, including potential severe and permanent brain injury; loss of wages and future loss of wages due to injuries; pain and suffering, physical mental anguish, severe emotional distress, and loss of enjoyment of life; special damages; economic damages; punitive damages; treble damages; and, attorney fees against Defendants Singh and WMK Trucking, Inc. Plaintiffs' allegations and damages plea satisfy the amount in controversy requirement. *See Woodward v. Newcourt Commercial Finance Corp.*, 60 F.Supp.2d 530 (D.S.C. 1999) (A claim for punitive damages, alone, makes it virtually impossible to say to a legal certainty that the amount in

controversy is less than the jurisdictional amount); *see also, Meadows v. Nationwide Mut. Ins. Co.*, No. CV 1:14-04531-JMC, 2015 WL 3490062, at \* 4 (Plaintiff's six causes of actions and prayer for actual and compensatory damages, treble damages, attorney's fees, and punitive damages fall within a legal certainty or reasonable probability that the value of plaintiff's claims exceed \$75,000.00); *Lighthouse Prop. Ins. Corp. v. Rogers*, No. CV 9:17-1553-RMG, 2017 WL 3634593, at \*2 (D.S.C. Aug. 22, 2017) (Plaintiff's allegations of a dog attack that severely injured the face of her child and plea for actual and punitive damages satisfied the amount-in-controversy requirement); *Thompson v. Victoria Fire and Casualty Co.*, 32 F. Supp. 2d 847 (D.S.C. 1999) (holding that the amount in controversy was satisfied where complaint sought consequential damages, punitive damages, and attorneys' fees and costs beyond the \$25,000 in actual damages claimed).

### **VENUE**

Venue for removal is proper in this district and division under 28 U.S.C. § 1441(a). This district and division embrace the Dillon County Circuit Court for the State of South Carolina, the forum in which the removed action was pending.

### **NOTICE**

Defendants are giving counsel for Plaintiffs written notice of the removal of this action and have provided a copy of the Notice of Removal to the Clerk of Court for the Circuit Court for Dillon County, as required by 28 U.S.C. § 1446(d).

### **PROCESS AND PLEADINGS**

**Exhibit A** and **Exhibit B** constitute all process, pleadings and orders served on Defendants in this matter. Defendants have filed no pleadings in this matter at present, but will move, plead, or otherwise respond to the complaint within seven (7) days of the filing of this Notice of Removal,

in accordance with Rule 81(c) of the Federal Rules of Civil Procedure. In this regard, Defendants specifically reserve and do not waive any defenses.

WHEREFORE, this action is hereby removed from the Dillon County Circuit Court to the United States District Court for the District of South Carolina, Florence Division, pursuant to the applicable sections of the United States Code.

s/ James G. Long, III

James G. Long, III, Fed. ID No. 5877

Emily R. Wayne, Fed ID No. 13588

NEXSEN PRUET, LLC

1230 Main Street, Suite 700 (29201)

Post Office Drawer 2426

Columbia, South Carolina 29202

Telephone: 803-771-8900

Email: [JLong@nexsenpruet.com](mailto:JLong@nexsenpruet.com)

Email: [EWayne@nexsenpruet.com](mailto:EWayne@nexsenpruet.com)

November 10, 2021  
Columbia, South Carolina

*Attorneys for Defendants Vikramjeet Singh and  
WMK Trucking, Inc.*